

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA KELLIER,

Plaintiff,

-against-

BILLUPS, *et al.*,

Defendant.

21-CV-3921 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 14, 2021, the Court granted Plaintiff leave to amend his complaint to address deficiencies in his original pleading. Plaintiff did not file an amended complaint, but instead, on July 12 and July 14, 2021, he filed a letter and two notices of interlocutory appeal. (ECF 12-14.) On February 3, 2022, the Second Circuit dismissed the appeal. *Kellier v. Billups*, 21-1706 (2d Cir. Feb. 3, 2022) (dismissing appeal because it “lacks an arguable basis either in law or fact.”) (ECF 15.)

The Court grants Plaintiff an extension of time to file an amended complaint as outlined in the June 14, 2021 order. Plaintiff is directed to file an amended complaint within thirty days of the date of this order. No further extensions of time will be granted. If Plaintiff fails to comply within the time allowed, and he cannot show good cause to excuse such failure, the complaint will be dismissed for failure to state a claim upon which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 8, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge